

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 22, 2010

D055680 In re A.S., a Juvenile

The order is affirmed. Haller, J.; We Concur: McConnell, P.J., Huffman, J.

D055180 People v. Wooten

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

D056799 Bays v. O'Rourke

Mr. O'Rourke's request dated February 8, 2010, for a prefiling order allowing him to file an appeal is denied. (Code of Civ. Proc. § 391.7, subd. (b)) The appeal filed with the Superior Court on February 8, 2010, is dismissed.

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- D056701 In re Cochran on Habeas Corpus**
The petition is denied.
- D055937 In re David B. et al., Juveniles**
The orders are affirmed. Haller, J.; We Concur: Benke, Acting P.J., Nares, J.
- D052150 People v. Ramos**
The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., McIntyre, J.
- D056706 Pitchers v. Murphy**
Because appellant did not timely pay the filing fee, the appeal is dismissed.
(Cal. Rules of Court, rule 8.100(c)(3).)
- D055007 In re Mathewson on Habeas Corpus**
The relief sought in the petition for writ of habeas corpus is granted. The Board is directed to find Mathewson suitable for parole unless, within 30 days of the finality of this decision, the Board schedules a hearing for a date not more than 120 days after the finality of this decision to permit compliance with Penal Code section 3043, subdivision (a), for the limited purpose of determining whether new evidence of Mathewson's conduct in prison subsequent to his September 2008 parole hearing supports a determination he currently poses an unreasonable risk of a danger to society if released on parole. In the interests of justice, this decision is made final as to this court seven days from the date of filing. (Cal. Rules of Court, rule 8.387(b)(3)(A); Gaul, *supra*, 170 Cal.App.4th at p.41.)
Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.
- D054229 Prado v. University of California, San Diego Medical Center**
The judgment is affirmed. UCSDMC is entitled to its costs on appeal.
Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.
- D056690 Montijo v. Superior Court of San Diego County/Ford Motor Company**
The denial of a writ petition within this court's original jurisdiction without issuance of an order to show cause or alternative writ is final in this court upon filing. (Cal. Rules of Court, rule 8.490(b)(1).) This court summarily denied the petition (D056690) on February 4, 2010. The court no longer has authority to modify the order. (Rule 8.264(c)(1).) The petition for rehearing is denied.
- D056570 In re Navarro on Habeas Corpus**
The petition is denied.

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February 23, 2010 (Continued)

- D056680 In re Bousamra on Habeas Corpus**
The petition is denied.
- D056719 San Diego Gas & Electric Company v. Superior Court of San Diego
County/Cahill et al.**
The petition is denied.
- D056573 In re Finochio on Habeas Corpus**
The petition for writ of supersedeas and response have been read and considered by Justices Nares, McDonald and O'Rourke. Justices McDonald and O'Rourke deny the petition. Justice Nares would have issued a stay pending appeal and expedited the appeal. The stay issued January 15, 2010, is vacated. The petition is denied.
- D054576 Duyan et al. v. Buckley**
The petition for rehearing is denied.
- D056806 In re Grossi on Habeas Corpus**
The petition is denied without prejudice to refiling in San Diego County Superior Court.
- D056780 In re Alvarado on Habeas Corpus**
The petition is denied.
- D055969 People v. Young**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.316.)

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- D056792 In re Thompson on Habeas Corpus**
The petition is denied without prejudice to refiling in San Diego County Superior Court, 220 West Broadway, San Diego, California 92101.
- D054831 Lomas v. Dragosz**
The judgment is affirmed. Karl shall recover his costs on appeal.
Nares, J.; We Concur: McConnell, P.J., Irion, J.
- D054619 Gomez v. City of San Diego**
On February 18, 2010, the Supreme Court of California denied appellant's petition for review. Appellant's request to dismiss the appeal is granted. Appellant's request to postpone issuance of the remittitur is denied as moot in light of the Supreme Court's order denying review. The appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D056702 Forlander v. The Superior Court of San Diego County/Jellinek**
The petition is denied.
- D055294 Del Mar Bluffs Homeowners Association et al. v. Boghairi et al.**
Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.
- D056456 Pastor v. Kennedy**
On February 8, 2010, this court requested a letter from appellant explaining why his appeal should not be dismissed on the ground it is from a nonappealable order. No letter has been filed. The matter having been considered by Presiding Justice McConnell and Associate Justices Nares and McIntyre, the appeal is dismissed on the ground that the November 19, 2009, order imposing sanctions in the amount of \$5,000 or less is not appealable because appellant has not filed either an appeal from a final judgment or a petition for extraordinary writ. (Code Civ. Proc., § 904.1, subd. (b); see *Hanna v. BankAmerica Business Credit, Inc.* (1993) 16 Cal. App. 4th 913, 915.)

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- D056712 In re Alarid on Habeas Corpus**
The petition is denied.
- D056711 In re Freeto on Habeas Corpus**
The petition is denied.
- D054807 El Cortez Owners Association et al. v. JSD 2, LLC et al.**
The order of January 28, 2010, placing the above-entitled matter on calendar for Friday, March 12, 2010, at 9:00 a.m. is vacated. Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2).)
- D056805 In re Wilson, Jr. on Habeas Corpus**
The petition is denied without prejudice to refiling in San Diego County Superior Court.
- D056575 Miller v. Kolender et al.**
This appeal is from a civil case of limited jurisdiction. Appellate jurisdiction over civil cases of limited jurisdiction rests with the appellate division of the superior court. (Code Civ. Proc., § 904.2.) The appeal is dismissed as to this court and transferred to the Appellate Division of the Superior Court of San Diego County. All pending motions should be re-filed in that court.
- D054944 People v. Ruiz**
The judgment is affirmed. McIntyre, J., We Concur: McConnell, P.J., Irion, J.
- D055438 People v. Koulavongsa**
The judgment is affirmed. Aaron, J.; We Concur: Benke, Acting P.J., Nares, J.
- D055254 K. Hovnanian Forecast Homes, Inc. v. IRC Coachella Ventures et al.**
The judgment is reversed. The jury verdict is reinstated. Forecast shall recover costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1).) McIntyre, J., We Concur: McConnell, P.J., Irion, J.
- D056708 Hunter v. Hunter**
Because appellant did not timely pay the filing fee, the appeal is dismissed. (Cal. Rules of Court, rule 8.100(c)(3).)
- D048239 Bardales v. Duarte**
The petition for rehearing is denied.

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- D051710 P.O.P. Enterprises, Inc. v. Lively**
The judgment is reversed. The action is remanded to the trial court with directions to proceed as set forth in part III.B.3., *ante*. Lively is entitled to costs on appeal. Aaron, J.; We Concur: Nares, Acting P.J., McDonald, J.
- D056408 Spencer v. Sharp Grossmont Hospital et al.**
Pursuant to California Rules of Court, rule 8.140, the appeal filed December 4, 2009, is dismissed for appellant's failure to timely designate the record (Cal. Rules of Court, rule 8.121(a)).
- D054485 In re Marriage of Frost**
The request for publication is denied.
- D056703 In re Rodriguez on Habeas Corpus**
The petition is denied.
- D056790 Porto Siena, LLC et al. v. Superior Court of San Diego County/Pacific Southwest Structures, Inc.**
The petition is denied.
- D055404 In re Watson on habeas corpus**
The petition for rehearing is denied.
- D053430 A. Waheed Chaudry v. Allstate Insurance Company et al.**
D054835 A. Waheed Chaudry v. Allstate Insurance Company et al.
[Consolidated cases] Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeals are dismissed.

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- D054211 D054211 People v. Land**
The judgment is modified to strike the \$787 restitution award to the El Cajon Police Department. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect this modification and to forward a certified copy of the amended abstract to the Department of Corrections.
O'Rourke, J.; We Concur: McConnell, P.J., Nares, J.
- D054883 In re the Marriage of Rigsby**
The appeal is dismissed. William shall recover his costs on appeal.
Nares, Acting P.J.; We Concur: Aaron, J., Irion, J.
- D054566 People v. Castaneda**
The judgment of conviction is affirmed.
Benke, Acting P.J.; We Concur: Haller, J., O'Rourke, J.
- D053464 People v. Cissna**
(Certified for Publication) The judgment is reversed.
Haller, J.; We Concur: McConnell, P.J., Irion, J.
- D053948 People v. Shockman**
The judgment is affirmed.
McDonald, Acting P.J.; We Concur: O'Rourke, J., Irion, J.
- D055663 In re Shockman on Habeas Corpus**
The petition is denied. McDonald, Acting P.J.; We Concur: O'Rourke, J., Irion, J.
- D055356 In re Shockman on Habeas Corpus**
The petition is denied. McDonald, Acting P.J.; We Concur: O'Rourke, J., Irion, J.
- D054116 People v. Davis**
The judgment is reversed. Aaron, J.; We Concur: McConnell, P.J., McIntyre, J.
- D055870 In re K.A. et al., Juveniles**
The restraining order is reversed due to lack of notice. The matter is remanded to the juvenile court for a new hearing on the application and affidavit for restraining order after proper notice. Benke, Acting P.J.; We Concur: O'Rourke, J., Irion, J.
- D053900 Cohen et al. v. Automobile Club of Southern California et al.**
Judgment affirmed. Appellants to pay respondents' costs on appeal.
Haller, Acting P.J.; We Concur: O'Rourke, J., Irion, J.

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February 26, 2010 (Continued)

- D052520 People v. Kramer**
The petition for rehearing is denied.
- D056747 In re Bruno on Habeas Corpus**
The petition is denied.
- D053462 People v. Love**
The judgment is affirmed. O'Rourke, J.; We Concur: McConnell, P.J., Haller, J.
- D056807 Whitehead v. Superior Court of Imperial County/Murrieta**
The petition is denied.
- D056571 Alejandra S. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**
No timely petition for writ relief has been filed. The notice of intent is deemed to
be abandoned. The case is dismissed.
- D056871 Hutchings v. Superior Court of San Diego County/People**
The court is considering issuing a peremptory writ in the first instance. (Palma v.
U.S. Industrial Fasteners, Inc. (1984) 36 Cal.3d 171, 178.) The Court will not be
requesting opposition from the People. The request for stay is denied.